

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 28<sup>th</sup> day of November, two thousand seventeen.

**PRESENT:**

JOSÉ A. CABRANES,  
ROBERT D. SACK,  
SUSAN L. CARNEY,  
*Circuit Judges.*

ZEDONG WANG, AKA CHENYANG WANG,  
*Petitioner,*

v.

JEFFERSON B. SESSIONS III, UNITED  
STATES ATTORNEY GENERAL,  
*Respondent.*

16-4089  
NAC

**FOR PETITIONER:** Nataliya I. Gavlin, Gavlin & Associates,  
P.C., New York, NY.

**FOR RESPONDENT:** Chad A. Readler, Acting Assistant  
Attorney General; Jonathan A. Robbins,  
Senior Litigation Counsel; Tracey N.  
McDonald, Trial Attorney, Office of  
Immigration Litigation, United States  
Department of Justice, Washington, DC.

1  
2       UPON DUE CONSIDERATION of this petition for review of a  
3 Board of Immigration Appeals ("BIA") decision, it is hereby  
4 ORDERED, ADJUDGED, AND DECREED that the petition for review is  
5 DENIED.

6       Petitioner Zedong Wang, a native and citizen of the  
7 People's Republic of China, seeks review of a November 9, 2016  
8 decision of the BIA affirming a February 17, 2016 decision of  
9 an Immigration Judge ("IJ") denying him asylum, withholding of  
10 removal, and relief under the Convention Against Torture  
11 ("CAT"). *In re Zedong Wang*, No. A206 288 118 (B.I.A. Nov. 9,  
12 2016), *aff'g* No. A206 288 118 (Immig. Ct. N.Y.C. Feb. 17, 2016).  
13 We assume the parties' familiarity with the underlying facts  
14 and procedural history in this case.

15       Under the circumstances of this case, we review the  
16 decision of the IJ as supplemented by the BIA. *See Yan Chen v.*  
17 *Gonzales*, 417 F.3d 268, 271 (2d Cir. 2005). The applicable  
18 standards of review are well established. *See* 8 U.S.C.  
19 § 1252(b)(4)(B); *see also Chuilu Liu v. Holder*, 575 F.3d 193,  
20 196 (2d Cir. 2009). The agency did not err in finding that Wang  
21 failed to satisfy his burden of proof as to his claim that the  
22 Chinese police had discovered that he was proselytizing to his  
23 grandparents in China through the internet and therefore that

1 he had an objectively reasonable fear of future persecution  
2 should he be removed to China.

3 Absent past persecution, an alien may establish  
4 eligibility for asylum by demonstrating a well-founded fear of  
5 future persecution. 8 C.F.R. § 1208.13(b)(2). To demonstrate  
6 a well-founded fear, an applicant must show either a reasonable  
7 possibility that he would be singled out for persecution or that  
8 the country of removal has a pattern or practice of persecuting  
9 individuals similarly situated to him. 8 C.F.R.

10 § 1208.13(b)(2)(iii). Furthermore, "an alien must make some  
11 showing that authorities in his country of nationality are  
12 either aware of his activities or likely to become aware of his  
13 activities." *Hongsheng Leng v. Mukasey*, 528 F.3d 135, 143 (2d  
14 Cir. 2008). "The testimony of the applicant may be sufficient  
15 to sustain the applicant's burden without corroboration, but  
16 only if the applicant satisfies the trier of fact that the  
17 applicant's testimony is credible, is persuasive, and refers  
18 to specific facts sufficient to demonstrate that the applicant  
19 is a refugee." 8 U.S.C. § 1158(b)(1)(B)(ii); see also *Chuilu*  
20 *Liu*, 575 F.3d at 196-97.

21 In this case, it was reasonable for the agency to require  
22 corroboration of Wang's testimony. Although Wang alleged that

1 Chinese police detained and beat his grandparents when they  
2 discovered his proselytizing to them, Wang's testimony was  
3 inconsistent with evidence he submitted to prove that a friend  
4 paid a fine to secure his grandparents' release. See 8 U.S.C.  
5 § 1158(b)(1)(B)(ii) ("Where the trier of fact determines that  
6 the applicant should provide evidence . . . , such evidence must  
7 be provided unless the applicant does not have the evidence and  
8 cannot reasonably obtain the evidence."); see also *Chuilu Liu*,  
9 575 F.3d at 196-97.

10 The agency did not err in concluding that Wang failed to  
11 provide reasonably available evidence to corroborate his  
12 grandparents' detention or his proselytizing over the internet.  
13 Wang's father lives in New York and purportedly reimbursed the  
14 family friend who paid to secure Wang's grandparents' release,  
15 but Wang did not proffer either his father's testimony or an  
16 affidavit from his father. See *id.* at 198 ("[T]he alien bears  
17 the ultimate burden of introducing such evidence without  
18 prompting from the IJ."). Furthermore, although Wang testified  
19 that he had a registered account with the video chat service  
20 that he used to proselytize his grandparents and their  
21 neighbors, he did not submit evidence of that account. See *id.*  
22 at 198-99.

1 Other than the fine receipt, as to which the proof of  
2 mailing undermined Wang's credibility because it post-dated the  
3 receipt's submission into evidence, Wang's only evidence to  
4 corroborate his assertion that Chinese police had become aware  
5 of his religious practice were letters from his grandfather and  
6 the family friend who purportedly secured his grandparents'  
7 release. *See Hongsheng Leng*, 528 F.3d at 143 (requiring  
8 applicant to show authorities' awareness of activities). The  
9 agency did not err in declining to credit these unsworn letters  
10 because they were prepared for Wang's removal proceedings and  
11 written by individuals who were not available for  
12 cross-examination. *See Y.C. v. Holder*, 741 F.3d 324, 334 (2d  
13 Cir. 2013) (deferring to agency decision to afford little weight  
14 to petitioner's husband's letter because the letter was unsworn  
15 and from an interested witness); *see also Matter of H-L-H- &*  
16 *Z-Y-Z-*, 25 I. & N. Dec. 209, 215 (BIA 2010) (finding letters  
17 from friends and family insufficient to support alien's claims  
18 because authors were interested witnesses not subject to  
19 cross-examination), *overruled on other grounds by Hui Lin Huang*  
20 *v. Holder*, 677 F.3d 130, 133-38 (2d Cir. 2012).

21 Furthermore, the IJ did not err in determining that the  
22 country conditions evidence failed to establish a pattern or

1 practice of persecution of similarly situated individuals such  
2 that Wang's fear of persecution was objectively reasonable. The  
3 country conditions evidence provided reflects that tens of  
4 millions of individuals practice Christianity in unregistered  
5 churches in China, and that in some areas unsanctioned religious  
6 practices are tolerated without interference. Therefore,  
7 despite evidence of the destruction of churches and the arrests  
8 of religious leaders and practitioners in certain regions, Wang  
9 failed to demonstrate "systemic or pervasive" persecution of  
10 similarly situated Christians sufficient to demonstrate a  
11 pattern or practice of persecution in China. *In re A-M-*, 23 I.  
12 & N. Dec. 737, 741 (B.I.A. 2005); *see also* 8 C.F.R.  
13 § 1208.13(b)(2)(iii); *Santoso v. Holder*, 580 F.3d 110, 112 &  
14 n.1 (2d Cir. 2009).

15 Accordingly, the agency did not err in finding that Wang  
16 failed to satisfy his burden of demonstrating a well-founded  
17 fear of future persecution on account of his religious practice.  
18 *See* 8 U.S.C. § 1158(b)(1)(B); *Chuilu Liu*, 575 F.3d at 196-98;  
19 *see also Hongsheng Leng*, 528 F.3d at 142-43. That finding is  
20 dispositive of Wang's petition for asylum, withholding of  
21 removal, and CAT relief because all three forms of relief were  
22 based on Wang's claim that he fears future persecution based

1 on his religion. *See Paul v. Gonzales*, 444 F.3d 148, 156-57 (2d  
2 Cir. 2006).

3 We further conclude that the BIA did not err in declining  
4 to consider the additional evidence Wang submitted to the agency  
5 for the first time on appeal. *See* 8 C.F.R.

6 § 1003.1(d)(ii)(3)(iv); *Matter of Fedorenko*, 19 I. & N. Dec.  
7 57, 74 (B.I.A. 1984) (recognizing that, as appellate body, BIA  
8 may decline to review evidence proffered for first time on  
9 appeal).

10 For the foregoing reasons, the petition for review is  
11 DENIED. As we have completed our review, any stay of removal  
12 that the Court previously granted in this petition is VACATED,  
13 and the pending motion for a stay of removal in this petition  
14 is DISMISSED as moot. Any pending request for oral argument in  
15 this petition is DENIED in accordance with Federal Rule of  
16 Appellate Procedure 34(a)(2), and Second Circuit Local Rule  
17 34.1(b).

18 FOR THE COURT:  
19 Catherine O'Hagan Wolfe, Clerk